

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to the article, which failed to comply with the specifications as stated: (Leaflet in box) "Certificate of Accuracy for Clinical Thermometer * * * This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1-32 Department of Commerce.) * * *."

DISPOSITION: June 20, 1950. Default decree of condemnation and destruction.

3136. Adulteration and misbranding of clinical thermometers. U. S. v. 12 Dozen * * *. (F. D. C. No. 29036. Sample No. 7397-K.)

LABEL FILED: March 31, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENTS On or about November 8, 1949, by the Guardian Thermometer Co., from New York, N. Y.

PRODUCT: 12 dozen *clinical thermometers* at Erie, Pa.

Examination of 24 thermometers showed that 1 thermometer failed to meet the C. S. 1-32 test for entrapped gas; that 3 thermometers failed to meet the test for hard shakers; and that 1 thermometer out of 5 failed to meet the test for loss of pigment.

LABEL, IN PART: "Clinical Fever Thermometers Oral" and "Globe Fever Thermometer Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements in the labeling were false and misleading as applied to the article, which failed to comply with the specifications stated: (On 1-dozen container and individual carton) "This thermometer has been tested, found to comply with the requirements of the Department of Commerce Commercial Standard C. S. 1-32" and (on leaflet packaged with thermometer) "This Is To Certify That Self-registering Clinical Thermometer 'GT' has been examined, tested and found to meet all requirements and tests specified in the 'Commercial Standard C. S. 1-32 for Clinical Thermometers' used by the United States Department of Commerce."

DISPOSITION: June 2, 1950. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3137. Misbranding of W. E. & M. E. Herb Laxative. U. S. v. 94 Bottles * * *. (F. D. C. No. 29031. Sample No. 80909-K.)

LABEL FILED: On or about April 6, 1950, District of New Jersey.

ALLEGED SHIPMENT: On or about February 27, 1950, by the W. E. & M. E. Herb Laxative Co., from Philadelphia, Pa.

PRODUCT: 94 4-ounce bottles of *W. E. & M. E. Herb Laxative* at Camden, N. J.

*See also Nos. 3121, 3129, 3130, 3132, 3134-3136.